

United States Senate

WASHINGTON, DC 20510

September 13, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Douglas W. Lamont
Deputy Assistant Secretary of the Army
Office of the Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator Pruitt and Deputy Assistant Secretary Lamont:

We write in strong opposition to your proposed rule to weaken safeguards for the Nation's waterways. The proposed rule to repeal the 2015 Clean Water Rule upends the many years the EPA and US Army Corps of Engineers have taken to draft a rule that gave our constituents—and the cities, counties, states and businesses in which they live and work—the certainty that they need. As members of the United States Senate, we have a strong institutional interest in protecting Congress' original intent to protect important water bodies throughout the United States when it passed the Clean Water Act.

As we celebrate 45 years of the Clean Water Act this year, we recognize the enormous progress the nation has made in improving water quality, but realize that achieving the law's core objective—"to restore and maintain the chemical, physical, and biological integrity of the Nation's waters"—will take continued vigilance. That is why we reject your efforts to make it harder for our country's vital water bodies to meet that objective.

The 2015 Clean Water Rule was created to clear up longstanding confusion over which water bodies are protected by the Clean Water Act. The agencies took a pragmatic approach to more clearly define which water bodies get guaranteed coverage under the Clean Water Act and which ones are exempt through using the most up-to-date science and grounding the rule's safeguards on widely-accepted legal standards.

The water bodies at the center of the Clean Water Rule serve critical functions, from providing drinking water to filtering out pollution and replenishing groundwater. The 2015 rule recognizes the necessity of protecting our Nation's small streams, wetlands, and other critical waters,

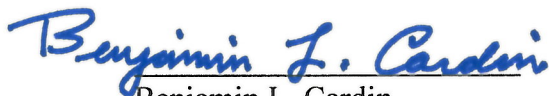
including streams that feed into the drinking water sources of 117 million Americans. Protecting these waters also directly benefits iconic bodies of water like Puget Sound, the Mississippi River, the Great Lakes, and the Chesapeake Bay. These waters support our communities, hunters and anglers, and water-dependent businesses like breweries and outdoor recreation. Because of these impacts, the agencies found that the public benefits of the rule would be as high as \$572 million per year and would significantly outweigh the rule's compliance costs.

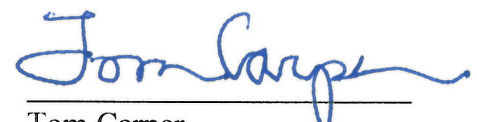
The agencies took years to develop the Clean Water Rule, notably including a scientific review that relied on over 1,200 peer-reviewed publications. The science confirms the significant relationship that tributaries, wetlands, and other waters have with the larger bodies of water into which they feed. The agencies also conducted a significant stakeholder engagement process that resulted in over 400 meetings and more than one million comments, approximately 87 percent of which supported the rule.

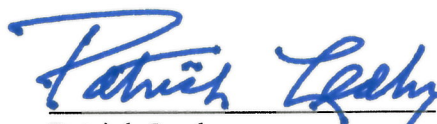
After years of uncertainty—created in large part by the conflicting *Riverside*, *SWANCC*, and *Rapanos* Supreme Court decisions—our constituents finally had a definition driven by science and not by the courts. In fact, as you note, President Trump, in his Executive Order on February 28, 2017, wrote, “[i]t is in the national interest to ensure that the Nation’s navigable waters are kept free of pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard to the roles of the Congress and the States under the Constitution.” For an administration to change the definition of what constitutes a water of the United States almost immediately upon entering office creates more, not less, regulatory uncertainty. We need stability and certainty for our constituents to be safe and our economy to grow.

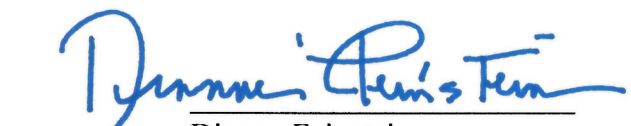
Now more than ever, it is clear that too many communities have to worry about access to clean, safe water. Vigorously implementing the Clean Water Act helps protect clean drinking water for everyone. We therefore urge your agencies to immediately withdraw the misguided proposal to repeal the 2015 Clean Water Rule.

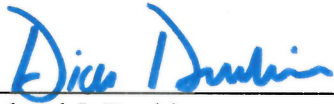
Respectfully submitted,


Benjamin L. Cardin
United States Senator

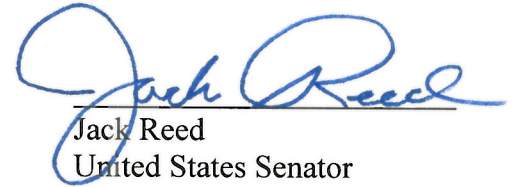

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United States Senator


Patrick Leahy
United States Senator

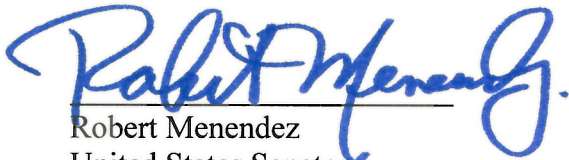

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United States Senator



Richard J. Durbin
United States Senator



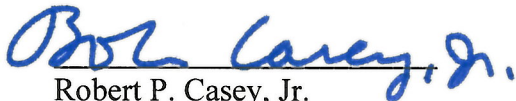
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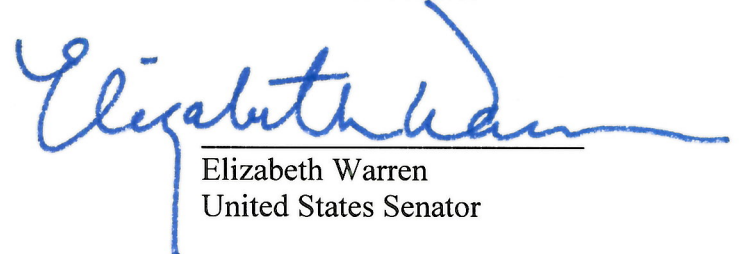
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Richard Blumenthal
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Martin Heinrich
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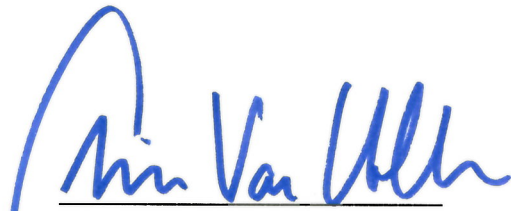
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